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10/624,650	07/23/2003	Robert R. Ricci	FS-00747	6898

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EXAMINER

LOPEZ, MICHELLE

ART UNIT PAPER NUMBER

3721

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/624,650

Applicant(s)

RICCI ET AL

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-17 in the reply filed on 10/27/04 is acknowledged.
2. Claims 18-20 have been canceled.

***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the serration and cutting of wrap must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 3, it is not clear what is meant by “each delivery point sequence”?

In claim 16, it is not clear if a single product is being wrapped or “adjacent packaged sequenced products”?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golicz et al. (4,617,784) in view of Odenthal (5,588,285).

Golicz et al. discloses a packaging device having an output end, the packaging device is adapted to package sequenced products; a clamping device 30,34 adjacent to the output end of the packaging device; a conveying system via 32 downstream from the clamping device, wherein the clamping device holds one of a plurality of packaged sequenced products.

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With regards to claims 1, Golicz et al. does not disclose that the conveying system moves a drop of <sup>f</sup>tray incrementally, such that the drop of <sup>f</sup>tray is in position to stack a multiple packaged sequenced products of the plurality of packaged sequenced products as the drop off tray is moved.

However, Odenthal teaches a packaging device having a conveying system moving a drop of tray incrementally, such that the drop of tray is in position to stack a multiple packaged sequenced products of the plurality of packaged sequenced products as the drop off tray is moved for the purpose of automatically stacking a plurality of packaged sequenced products into a tray at a desired constant speed. In view of Odenthal, it would have been obvious to one having ordinary skill in the art to have provided Golicz's invention with a conveying system moving a drop of <sup>f</sup>tray incrementally in order to automatically stack a multiple packaged sequenced products of the plurality of packaged sequenced products as the drop off tray is incrementally moved.

With respect to claim 2, Golicz discloses the claimed invention except for that the sequenced products are mail pieces.

However, since Golicz teaches a system for packaging flat products, it would have been an obvious matter of design choice to have provide mail pieces, since applicant has not disclosed that providing products as mail pieces solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Golicz packaging system for the purpose of packaging mail pieces into a container with a vertical stack configuration.

With respect to claim 3, Golicz does not disclose that the clamping device holds each of the plurality of packaged sequenced products until the conveying system conveys the drop off tray to a predetermined area.

However, Odenthal shows that each of the plurality of packaged sequenced products are held until the conveying system conveys a drop off tray to a predetermined area for the purpose of automatically stacking the packaged sequenced products at a desired speed into the tray. In view of Odenthal, it would have been obvious to one having ordinary skill in the art to have provided Golicz's invention wherein the clamping device holds each of the plurality of packaged sequenced products until the conveying system conveys the drop off tray to a predetermined area in order to automatically stacking the packaged sequenced products at a desired speed into the tray.

With respect to claim 4, Golicz discloses a serrating device which serrates wrap attached between adjacent packaged sequenced products.

With respect to claims 5 and 9, Golicz discloses a serrating device which serrates wrap between adjacent packaged sequenced product as shown in Fig. 3, such that each of the adjacent packaged sequenced products remain connected to one another.

With respect to claims 6 and 9, Golicz discloses a cutting device for cutting the wrap downstream of a last package of the sequenced products of the plurality of packaged sequenced products.

With respect to claims 4,5,6, and 9, even when Golicz does not disclose that the wrapped packaged sequenced products are drop in a drop of tray to be stacked therein, in view of Odenthal, it would have been obvious to one having ordinary skill in the art to have dropped

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Golicz wrapped packaged sequenced products into a drop off tray for the purpose of stacking and packaging the packaged sequenced products in such a way that the wrapped packaged sequenced products remain connected to one another in a container.

With respect to claims 7 and 10, Golicz does not disclose a controller controlling the incremental movement of the conveying system based on a parameter of the packaged sequenced products.

However, Odenthal teaches a controller 15 controlling the incremental movement of a conveying system based on a parameter of the packaged sequenced products for the purpose of synchronizing the stacking of the packaged sequenced products into a container. In view of Odenthal, it would have been obvious to one having ordinary skill in the art to have provided Golicz's invention with a controller controlling the incremental movement of a conveying system based on a parameter of the packaged sequenced products in order to synchronize the stacking of the packaged sequenced products into a container.

With regards to claim 8, Golicz does not disclose that the packaged sequenced products are vertically stacked into a tray.

However, Odenthal shows that the packaged sequenced products are vertically stacked.

With regards to claim 9, Golicz discloses wherein the clamping device holds each of the plurality of packaged products at a predetermined height.

With respect to claim 10, Golicz discloses a controller as a regulating mechanism via a solenoid assembly as shown in Fig. 9 and col. 5; 16-30, controlling the clamping device, the serrating device, and the cutting device.

With respect to claim 11, Golicz discloses means for sequencing product into a delivery point sequence, means for packaging individual packages of the product for each delivery point sequence, and a dropping means via a clamping device.

However, Golicz does not disclose means for dropping the individual packages into a vertical stacked position in a takeaway container and means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling.

However, Odenthal teaches means for dropping the individual packages into a vertical stacked position in a takeaway container and means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling for the purpose of automatically packaging a plurality of packages into a container at a desired constant input speed. In view of Odenthal, it would have been obvious to one having ordinary skill in the art to have provided Golicz's invention with means for dropping the individual packages into a vertical stacked position in a takeaway container and means for incrementally moving the takeaway container a predetermined distance such that the individual packages can fill the takeaway container prior to a new takeaway container being positioned for filling in order to automatically packaging a plurality of packages into a container at a desired constant input speed.

With respect to claim 12, Golicz discloses the claimed invention except for that the sequenced products are mail pieces.

However, since Golicz teaches a system for packaging flat products, it would have been an obvious matter of design choice to have provide mail pieces, since applicant has not disclosed



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that providing products as mail pieces solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Golicz packaging system for the purpose of packaging mail pieces into a container with a vertical stack configuration.

With respect to claim 13, Golicz discloses means for serrating wrap which wraps the product into individual packages, wherein the serrating means serrates the wrap at an interconnection between adjacent individual packages to ensure that the individual packages remain in a sequenced order as shown in Fig. 3.

With respect to claim 14, Golicz discloses a controlling means via solenoids and switch assembly as shown in Fig. 9, also see col. 5; 16-30, for controlling the serrating means.

With respect to claim 15, Golicz discloses wherein the dropping means is a clamping means.

However, Golicz does not specifically disclose that the clamping device holds the individual packages until a takeaway tray is properly aligned with a next of the individual packages.

However, Odenthal teaches wherein a conveyor assembly 6 which holds individual packages until a takeaway tray is properly aligned with a next of the individual packages for the purpose of automatically packaging a sequenced series of individual packages into a container at a desired constant speed.

With respect to claim 16, Golicz discloses means for cutting wrap which wraps individual packages, wherein the cutting means cuts the wrap after a last of the individual packages.

With respect to claim 17, Golicz discloses a controlling means for controlling the cutting means, as shown in Fig. 9, and col. 5; 16-30.

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*Conclusion*

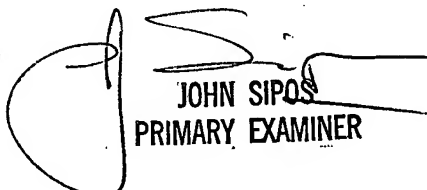
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Winkle et al.'151 is cited to show related invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN SIPOS  
PRIMARY EXAMINER